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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/328,484	06/09/1999	HIDEAKI FUNAKOSHI	3064NG/47927	6889

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EXAMINER

PHAM, ROBERT T

ART UNIT

PAPER NUMBER

2611

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/328,484

Applicant(s)

FUNAKOSHI, HIDEAKI

Examiner

Robert T Pham

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozkan U.S. Patent 6,111,611.

Regarding claim 1, Ozkan discloses an apparatus, method and software for receiving, demodulating, decoding and displaying HD signals or SD sub-channel signals using corresponding PID, wherein:

A transport and decoding unit for demultiplexing and decoding the demultiplexed signals is shown in Figure 1 (22, 100), and described in column 3, lines 22-25;

A broadcast detecting unit for detecting HD/SD (sub)channel switching according to the PID of incoming packets is described in column 7, lines 12-21, and column 8, lines 4-16. (Sub)channel switching is detected using the PID of the incoming packets and correlating it with the channel\_type\_indicator contained in the Channel Information Table (CIT);

A sub-channel control unit for controlling the transport unit to output a broadcast signal corresponding to a predetermined PID is described in column 8, lines 4-16.

Regarding claim 4, Ozkan discloses an apparatus, method and software for receiving, demodulating, decoding and displaying HD signals or SD sub-channel signals using corresponding PID, wherein:

The broadcast detecting unit detects channel switch using the PID of the incoming packets and correlating it with the channel\_type\_indicator contained in the Channel Information Table (CIT) is described in column 7, lines 12-21, and column 8, lines 4-16;

The transport unit captures the incoming packets from the sub-channel selected by the viewer using the PID value pre-loaded into the control register of the transport unit by the controller, as described in column 8, lines 4-16;

The captured packets are decoded and NTSC-encoded for display, as described in column 8, lines 22-30.

Regarding claims 5 and 6, Ozkan discloses an apparatus, method and software for receiving, demodulating, decoding and displaying HD signals or SD sub-channel signals using corresponding PIDs, wherein:

A method of controlling the transport and decoding unit for demultiplexing and decoding the demultiplexed signals is shown in Figure 1 (22, 100), and described in column 3, lines 22-25;

A method of controlling an OSD control unit for causing superimposition of broadcasting data on the screen is shown in Figure 1 (37, and 45), and described in column 8, lines 22-30, and column 9, lines 51-60. The method comprises:

Receiving broadcast data by the transport unit based on PID, as described in column 8, lines 4-16;

Determining HD/SD (sub)channel switching on the basis of PID, as described in column 7, lines 12-21, and column 8, lines 4-16 (using a combination of PID and channel\_type\_indicator);

Instructing the transport unit to output a broadcast signal with a predetermined PID, as described in column 8, lines 4-16 (PID values are preloaded into the transport unit (22));

Instructing the OSD control unit to make an OSD for a sub-channel corresponding to the PID, as described in column 8, lines 22-30, and column 9, lines 51-60.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozkan, as applied to claim 1 above, and further in view of Alexander U.S. Patent 6,177,931.

Ozkan does not disclose recording the user input information on channel to be the first watched after channel switching.

Alexander discloses an automatic channel watch function of an EPG, wherein user input information on channel to be the first watched after switching on the TV is recorded, as described in column 24, lines 30-40.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the EPG table of Ozkan to include an automatic channel watch function, as disclosed by Alexander, in order to establish a channel to tune to, of the user's choosing, when the multi-channel broadcasting is selected, thereby customizing the system according to user preferences.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee U.S. Patent 6,104,436 discloses a method and apparatus for displaying subchannel information in a digital TV receiver.

Boyce U.S. Patent 6,025,878 discloses a method and apparatus for decoding both high and standard definition video signals using a single video decoder.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert T Pham whose telephone number is 703-305-4810. The examiner can normally be reached on M-F 7:30-5; every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.



ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Robert Pham  
June 25, 2002